

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KIMLING ATHERLEY,

Plaintiff,

-against-

NEW YORK CITY DEPARTMENT OF
EDUCATION; and COLIN CALDWELL,
Reassigned Teacher Supervisor,

Defendants.

23-CV-383 (JGLC)

ORDER

JESSICA G. L. CLARKE, United States District Judge:

On March 29, 2024, the Court issued an Opinion and Order granting in part and denying in part Defendants’ motion to dismiss. See ECF No. 41. The Court also granted Plaintiff Kimling Atherley leave to file an Amended Complaint. *Id.*

Instead of filing an Amended Complaint, Ms. Atherley filed a new action (“*Atherley II*”) on August 2, 2024 against the same Defendants. *See Atherley v. New York City Department of Education et al.*, No. 24-CV-6021 (LTS), ECF No. 1 (S.D.N.Y. filed Aug. 2, 2024). In an Order issued on August 15, 2024, Chief Judge Swain concluded that Ms. Atherley intended to submit an amended complaint in the instant action rather than initiate a new civil action, dismissed *Atherley II*, and directed the Clerk of Court to docket the Complaint in *Atherley II* as the Amended Complaint in this action. *See Atherley v. New York City Department of Education et al.*, No. 24-CV-6021 (LTS), ECF No. 3 (S.D.N.Y. Aug. 15, 2024). The Clerk of Court docketed Ms. Atherley’s Amended Complaint in the current action on September 4, 2024.

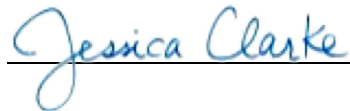
The Amended Complaint states that the facts of the case are laid out in an “attached addendum,” however, no such addendum is attached. *See* ECF No. 46. Accordingly, Ms. Atherley is ORDERED to file the addendum to her Amended Complaint with the Court by no

later than **September 16, 2024**. If Ms. Atherley fails to file the addendum to her Amended Complaint by September 16, 2024, the Court may dismiss her Complaint for failure to prosecute.

The Clerk of Court is directed to serve a copy of this Order on Ms. Atherley.

Dated: September 5, 2024
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Jessica Clarke", is written over a horizontal line.

JESSICA G. L. CLARKE
United States District Judge